

E-filing

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Attorneys for Petitioner: Elgizoli Ahmed

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO, CALIFORNIA**

ELGIZOLI AHMED

Plaintiff,

vs.

Michael Mukasey, Attorney General of the
 United States; Michael Chertoff, Secretary of the
 Department of Homeland Security; Emilio
 Gonzales, Director of United States Citizenship &
 Immigration Services; Robert S. Mueller, III,
 Director of the Federal Bureau of Investigations;
 Christina Poulos, Director of the California Service
 Center; et al.

Defendants

Case No.

07-06278 BZ

CIVIL ACTION
 TO COMPEL DEFENDANTS
 TO COMPLETE
 NATURALIZATION PROCESS

INS A#073-048-308

To the Honorable Judges of Northern District of California San Francisco Court:

Plaintiff, Elgizoli Ahmed, through undersigned counsel, alleges as follows:

INTRODUCTION

1. This is a civil action brought pursuant to 8 U.S.C. § 1447, 28 U.S.C. § 1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. § 2201 *et. seq.* to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. § 704.

2. This action is brought to compel Defendants and those acting under them to take action on a Form N-

CIVIL ACTION TO COMPEL DEFENDANTS TO COMPLETE NATURALIZATION PROCESS

GO 44 SEC. N
 NOTICE OF ASSIGNMENT
 TO MAGISTRATE JUDGE SENT

FILED
 DEC 12 2007
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
 Fed
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 ISS.
 99

1 400, Application for Naturalization, (hereafter “the Application”) in order for Plaintiff to become a Naturalized
2 Citizen of the United States. The Application was filed with the United States Citizenship and Immigration
3 California Service Center, California in December 2005 by Elgizoli Ahmed. (See Ex. 1, Declaration of Elgizoli
4 Ahmed.) Elgizoli Ahmed was interviewed by an Immigration Officer on or about April 17, 2006 and
5 successfully passed the English language, history and government tests. (See Ex. 1, Declaration of Elgizoli
6 Ahmed.) To this day, approximately one year and seven months after the interview, Elgizoli Ahmed still awaits
7 the decision. Certainly more than 120 days have passed since the interview in this matter, thus vesting
8 jurisdiction with this court under 8 U.S.C. § 1447.
9

10 3. Plaintiff is eligible to have his Application adjudicated.

11 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services
12 (USCIS), are charged by law with the statutory obligation to adjudicate this Application.
13

14 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real
15 property is involved in this action.
16

17 **FACTS**

18 6. Elgizoli Ahmed became a lawful permanent resident on January 30, 2001. (See Ex 2, Permanent
19 Resident Card.) He was eligible to file for his United States Citizenship on October 30, 2005, four years and
20 nine months from the date he became a lawful permanent resident.
21

22 7. Elgizoli Ahmed filed his Form N-400, Application for Naturalization, with the United States
23 Citizenship and Immigration Naturalization Service Center, California on or about December 2005. (See Ex.
24 1, Declaration of Elgizoli Ahmed.)
25

26 8. Elgizoli Ahmed was interviewed by an Immigration Officer on April 17, 2006 and successfully
27 passed the English language and history and government tests. (See Ex. 1, Declaration of Elgizoli Ahmed.)
28

1 To this day, approximately one year and seven months after the interview, Elgizoli Ahmed still awaits the
2 decision on his application.

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 9. Plaintiff has exhausted his administrative remedies. Plaintiff has supplied the USCIS and FBI
5 with documents that clearly establish his eligibility to be naturalized as a U.S. Citizen. Plaintiff has
6 sought the assistance of USCIS Customer Service.
7

8 **CLAIMS**

9
10 10. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the
11 Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.
12

13 11. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform
14 that duty.

15 12. Plaintiff has exhausted any administrative remedies that may exist.

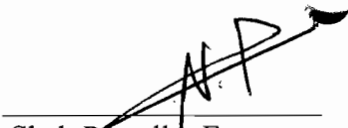
16 WHEREFORE, Plaintiff prays that the Court:
17

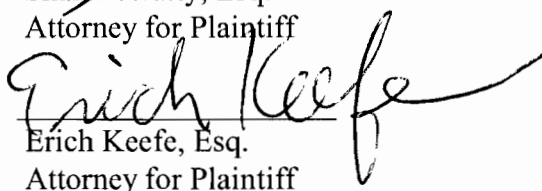
- 18 1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or
19 2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petition; and
20 3. Grant such other and further relief as this Court deems proper under the circumstances; and
21 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.
22
23

24 Respectfully submitted this day of December 2007.

25 Respectfully submitted,

26 Attorneys for Plaintiff
27
28

1 
Shah Peerally, Esq.
2 Attorney for Plaintiff

3 
4 Erich Keefe, Esq.
Attorney for Plaintiff

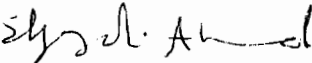
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6
7 EXHIBITS

- 8 1. Declaration of Elgizoli Ahmed;
9 2. Permanent Resident Card.

I, _____ declare under penalty of perjury under the laws of the State of California and the United States that the following statement is true and correct:

1. My name is Elgizoli Ahmed;
2. I was born in Sudan on January 1, 1963;
3. I live at 321 Wayne Place, Oakland, CA 94606;
4. I became a lawful permanent resident on January 30, 2001;
5. My A# 073-048-308;
6. I filed an application to become a naturalized United States Citizen in December 2005;
7. I had an interview with an officer of USCIS on April 17, 2006;
8. At the end of that interview, the officer told me that I had passed the English and U.S. History and Government examinations;
9. I have been waiting for a decision on my application since April 17, 2006.

Executed at Fremont, California on November 19, 2007


Elgizoli Ahmed

PERMANENT RESIDENT CARD

NAME AHMED ELGIZOLIE

US A# 073-048-308

Birthdate Category Sex

04/01/63 IR6 M

Country of Birth

Sudan

CARD EXPIRES 03/28/13

Resident Since 01/30/01

C1USA0730483080WAC0217850679<<
6301019M1303281SDN<<<<<<<<<<9
AHMED<<ELGIZOLI<ELSHIEKH<<<<<<<

U.S. DEPARTMENT OF JUSTICE Immigration and Naturalization Service

PERMANENT RESIDENT CARD

The person identified by this card is authorized to work and reside in the U.S.

